

**CITY COUNCIL MEETING
MINUTES
May 16, 2023**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murphy called the Regular Meeting of the City Council to order at 5:02 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.

3. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov. Code § 87105.

A. COUNCILMEMBERS PRESENT

Devin Murphy, Mayor
Maureen Toms, Mayor Pro Tem
Norma Martinez-Rubin, Council Member
Cameron Sasai, Council Member
Anthony Tave, Council Member

B. STAFF PRESENT

Andrew Murray, City Manager
Eric Casher, City Attorney
Heather Bell, City Clerk
Neil Gang, Chief of Police
Jeremy Crone, Police Lieutenant
Markisha Guillory, Finance Director
Sanjay Mishra, Public Works Director
Stacy Shell, Human Resources Director
Misha Kaur, Capital Improvement and Environmental Program Manager
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Thursday, May 11, 2023 at 4:30 p.m. with all legally required written notices. No written comments had been received in advance of the meeting.

Following an inquiry, the Council reported there were no conflicts with any items on the agenda.

4. CONVENE TO A CLOSED SESSION

Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

A. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency Designated Representatives: City Manager Andrew Murray, Human Resources Director Stacy Shell and Greg Ramirez (IDEA)

Represented Employees: AFSCME, Locals 1 and 512 and PPEA

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, was curious what the union had to offer as part of the Closed Session negotiations.

PUBLIC COMMENTS CLOSED

5. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

At 6:17 p.m., Mayor Murphy reconvened the meeting into open session and reported there was no reportable action.

6. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.

Teresa Teller, Pinole, invited the public to a free event on Saturday, May 20, 2023 at Our Savior Lutheran Church, 3110 Avis Way, from 11:00 a.m. to 12:00 noon, at which time she would present her mental health story and the phases of her recovery. In between, she would play original piano music that captured each phase and would also play the piece Andrew's Lullaby, which had been an honorable mention in the International Songwriting Contest. She was also honored to understand that the City Council would issue a proclamation for Mental Health Awareness Month. She emphasized if someone was suffering from mental illness her story would bring insight as someone who had suffered from Schizoaffective Disorder for years. Presently, she was a Pastor's wife and mother of two children and had worked in a retirement community for 15-years. She had also written blogs for the National Alliance of Mental Illness and was authoring a book titled My Brain Makes Me Proud. She encouraged everyone to attend the May 20 event.

Rafael Menis, Pinole, updated the City Council on the current COVID-19 case rate for the City of Pinole, and while improved it was still recommended that masks continue to be worn indoors.

Mr. Menis reminded everyone of Community Service Day on Saturday, May 20, 2023, with everyone to meet at the Youth Center, 835 Tennent Avenue. In-person registration would be from 8:30 a.m. to 9:00 a.m. and online registration was also available. Volunteer activities would be led by the Community Services Commission from 9:00 a.m. to 12:00 p.m. Breakfast would be available between 8:00 a.m. and 9:00 a.m. and lunch from 12:00 p.m. to 1:00 p.m. Everyone was encouraged to participate.

Mayor Murphy moved onto agenda Item 8 at this time.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Mental Health Awareness Month

The City Council read into the record a proclamation recognizing May 2023 as Mental Health Awareness Month and presented the proclamation to Teresa Teller.

2. Asian American and Pacific Islander Month

The City Council read into the record a proclamation recognizing May 2023 as Asian American and Pacific Islander Month, which was presented to Council member Sasai as the City's first Filipino-American Council member.

3. Emergency Medical Services Week

The City Council read into the record a proclamation recognizing May 21-27, 2023 as Emergency Medical Services Week.

4. Jewish American Heritage Month

The City Council read into the record a proclamation recognizing May 2023 as Jewish American Heritage Month.

5. Affordable Housing Week

The City Council read into the record a proclamation recognizing May 7-13, 2023 as Affordable Housing Week.

6. National Police Week

The City Council read into the record a proclamation recognizing May 15-21, 2023 as National Police Week and presented the proclamation to Chief of Police Neil Gang.

Police Chief Gang thanked the City Council for the proclamation and the recognition and emphasized that three City of Pinole Police Officers had lost their lives in the line of duty. He added that those officers and their families would never be forgotten for their ultimate sacrifice to the community.

PUBLIC COMMENTS OPENED

Deputy City Clerk Roxane Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

B. Presentations:

1. AC Transit Presentation

Jovanka Beckles, Director, Ward 1, AC Transit, introduced the AC Transit staff present which included David Berman, Senior Transportation Planner/Project Manager AC Transit Realign Initiative, who provided a PowerPoint presentation on the State of AC Transit, an overview of Alameda-Contra Costa Transit (AC Transit), the State of California's largest public bus-only system and the third largest bus-only transit agency in the County serving 364 square miles and 1.5 million people. He provided the statistics of ridership in terms of income levels, ethnicity, whether riders had access to a vehicle and the number of students served each school day.

Mr. Berman highlighted AC Transit's recovery priorities and ranked bus lines based on pre-COVID weekday productivity, people with low income within one-quarter mile and people of color within one-quarter mile, and noted that service across Bay Area bridges had been delayed until demand had increased. AC Transit worked to improve reliability, provide greater connectivity and pursue projects to improve transit through dedicated program staff and deeper regional coordination. AC Transit was also recruiting and working to retain bus operators, which was the greatest barrier to delivering services. An in-person recruitment event entitled "Spring Into Your New Career" had been scheduled for May 20, 2023. More information was available on the AC Transit website.

Mr. Berman also provided an overview of ongoing ridership recovering efforts to bring ridership back on track that included the AC Transit Realign Initiative, which would reshape AC Transit in the wake of the pandemic by prioritizing where and when transit service was offered, align service with customer needs and equity goals, deal with future resource constraints, and respond to changing travel patterns with a focus on people and equity over the next 15-months and would consider five umbrella projects/phases as part of the realignment effort. The five umbrella projects/phases and the timeline for each were identified, to develop plans and learn rider needs, align guiding principles with community assessments, develop service scenarios and gather feedback, draft a final service plan, adopt and develop service standards and inform riders about service changes.

Mr. Berman encouraged AC Transit riders to participate in a survey that was available by scanning a QR code, which could be shared with networks, and with more information at www.actransit.org/realign. The survey would close on May 31, 2023.

Responding to questions from the Council, Mr. Berman explained that like other transit agencies AC Transit was facing fiscal challenges but had tightened the belt where necessary. At the same time, AC Transit wanted to put out a reliable service but was currently under a hiring freeze for non-essential positions and wanted to avoid providing less and less service and losing more ridership. He added that AC Transit was challenged on how to focus on different markets which was hoped would be addressed with the AC Transit Realign Initiative with the intent to allocate resources that made sense to meet all needs but which was a challenge with a limited budget.

All issues would be considered while being mindful how everyone across the income spectrum fit into all of it.

Director Beckles acknowledged that most riders tended to be people of color and working class to those barely working. AC Transit worked to change that image, which would be helped through increasing Zero Emission buses and using non-vehicle transportation methods to reduce the carbon footprint. AC Transit would also be able to increase ridership through having more frequent routes and more consistent services that would bring a more diverse ridership in the future, particularly as the effects of global warming encouraged people to get out of their vehicles.

Mr. Berman noted the recognition between land use and a connection and focus on transportation around development could effectively promote economic development and reduce the carbon footprint. There were many state initiatives that could help with climate change. He also highlighted the proposed equity goals from the AC Transit Strategic Plan, with accessibility a key to providing high quality mobility for those with disabilities and those who were of low income status as well as disadvantaged communities of color. He added that the Civil Rights Act had enshrined federal funding conditions to ensure AC Transit was accounting for people's needs.

When asked by the Mayor, Mr. Berman confirmed he could forward information from the Strategic Plan to the City Council.

Council member Martinez-Rubin emphasized safety, accessibility and availability all together to create the riding experience regardless of income level, age and purpose for riding was something that would provide an attractive service. She appreciated the goals, as outlined in the PowerPoint presentation, as goals remaining to be met in the transportation system and she looked forward to the promotion of all AC Transit services.

Director Beckles thanked the City Council for the opportunity to provide the presentation and emphasized that AC Transit was focused on its Realign Initiative and hiring drivers. She encouraged the City Council to share the information with others in all available forms and she welcomed community feedback and City Council encouragement of the community to participate in the AC Transit survey. She added that throughout the month of May, AC Transit staff would be at bus stops asking transit riders to complete the survey that would allow input for several options for proposed changes. She added that in the fall there would be another opportunity to provide input on proposed changes, with the goal to have new services in place by October 2024. She again thanked the City Council for its time and partnership.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, spoke to Item A1, the proclamation for Mental Health Awareness Month, and detailed his own mental health struggles. He stated Council member Sasai had inspired him to speak of them publicly given he [Council member Sasai] had spoken of his own experiences with anxiety and depression when he had run for office. He spoke to his personal challenges with anxiety and depression and Attention Deficit and Hyperactivity Disorder (ADHD) and noted one of the core principles of the Mental Health Awareness Month proclamation was for people to seek out therapy and help. He detailed how that assistance had helped him in his life and through medical care helped him to become who he was today.

PUBLIC COMMENTS CLOSED

Mayor Murphy thanked AC Transit staff for the presentation.

The City Council returned to Item 7.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements: None

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Mayor Pro Tem Toms reported the Municipal Code Ad-Hoc Subcommittee had met to discuss the Project Labor Agreement (PLA) and she had attended the Mayors' Conference with a presentation on enhancing transportation from Dublin to Tracy and reducing vehicle miles.

Council member Tave reported he had attended a RecycleMore meeting and briefed the City Council on the discussions.

Council member Martinez-Rubin reported she and Council member Sasai had met as the City Seal and Logo Subcommittee with meetings anticipated every other week throughout the year. She had also attended a League of California Cities East Bay Division meeting briefing the City Council on all discussions.

Council member Sasai reported he and Council member Martinez-Rubin had met as the City Seal and Logo Subcommittee and he briefed the City Council on the discussions. He thanked the General Manager of WestCAT for providing a tour of the facility and reported that the Summer Youth Pass was available for purchase, with more information at 511cc.org/youthpass.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

At this time, the Monthly Mayoral Video Update was provided and the Mayor thanked Pinole Community Television (PCTV) for all of their hard work throughout the year and reported the video had also been presented at the recent Mayors' Conference.

D. Council Requests for Future Agenda Items

ACTION: Motion by Mayor Pro Tem Toms/Mayor Murphy to refer a request from an affordable housing developer to modify an existing ordinance to allow for staff discretion on allowing construction to occur on Saturdays for multifamily residences to the Municipal Code Ad-Hoc Subcommittee, as a future agenda item.

Vote: **Passed** **5-0**
 Ayes: **Murphy, Toms, Martinez-Rubin, Sasai, Tave**
 Noes: **None**
 Abstain: **None**
 Absent: **None**

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

E. City Manager Report / Department Staff

City Manager Murray announced the following upcoming community events: Community Service Day on May 20, 2023; Virtual Workshop to continue the visioning process for the Community Corner on May 25, 2023; and Pinole Pride scheduled for Sunday, June 11, 2023 at Fernandez Park, which event would also recognize the City's 120th Anniversary, LGBTQ+ Pride and Juneteenth.

City Manager Murray also provided an overview of the tentative agenda items for the June 6, 2023 regular City Council meeting.

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

F. City Attorney Report: None

9. **CONSENT CALENDAR**

All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.

- A. Approve the Minutes of the April 25, 2023, April 29, 2023 Special Council meetings and the Minutes of the Regular City Council Meeting on May 2, 2023
- B. Receive the April 29, 2023 – May 12, 2023 – List of Warrants in the Amount of \$1,225,226.29, and the May 12, 2023 Payroll in the Amount of \$470,399.29
- C. Approve a Two-Year Contract with Planeteria for the New Website Content Management System in the Amount Not to Exceed \$58,620.00 **[Action: Adopt Resolution per Staff Recommendation (Epps)]**

- D. Resolution of the City of Pinole to Comply with State Housing Laws **[Action: Adopt Resolution per Staff recommendation (Kaur)]**
- E. Resolution Opposing State Initiative 21-004281 **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**
- F. Adopt a Resolution Promoting and Supporting the Creation of Education Workforce Housing in Contra Costa County **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- G. Letter of Support for United States Department of Transportation Funding for East Bay Regional Park District Trail Expansion Projects **[Action: Approve Letter of Support per Staff Recommendation (Rogers)]**
- H. Options for a City-Sponsored Job Fair **[Action: Approve Staff Recommendation (Whalen)]**
- I. Adoption of Resolution Authorizing the City Manager to Execute a Contract with The Pun Group for Professional Auditing Services for Fiscal Years Ending June 30, 2023 through June 30, 2025, with the Option to Extend the Contract at One-Year Intervals, Not to Exceed a Total of Two Additional Fiscal Years **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- J. Plan for High School Student Internships with City Council Members **[Action: Receive Report (Shell)]**
- K. Update on the Activity of the Project Labor Agreement (PLA) Ad Hoc Subcommittee **[Action: Receive Report (Mishra)]**
- L. Adopt a Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of the Annual Engineer's Report for the Pinole Valley Road Landscape and Lighting Assessment District (LLAD) for Fiscal Year 2023/24 **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Item 9A, Page 29 of 704 of the meeting agenda packet for the Special City Council meeting minutes of April 29, 2023, and requested the comments he made as shown in paragraph three be amended. He played the audio portion of the meeting when his comments had been made and while he offered no specific language changes, asked that his comments be amended to correctly reflect his statement.

Also referencing Item 9A, Mr. Menis asked that the meeting minutes of May 2, 2023, as shown on Page 52 of 704 of the agenda packet and his comments as shown in paragraph five be amended, to read:

Rafael Menis, Pinole, suggested that public engagement be properly foregrounded on the City website. He understood the City was using the Balancing Act Tool for the budget as a whole but it was not easily navigated on the website and he expressed concern if public

outreach was done on the City website it may result in the same situation. The cost of repairing the roads that were in terrible condition was so great, which was why there was a fix-it-first approach given the vast cost of repair. He also recognized Public Works staff was limited in the work they could do in-house given limits in staff, equipment and costs.

Mr. Menis also referenced Item 9C, Page 125 of 704 of the agenda packet, noted the e-alerts had been described more generally, and on Page 144 of 704 the fee schedule had discussed the services the City had ordered with e-alerts partially ordered but based on the pricing and quantity it was more tailored to focus on the development phase than on an ongoing project. He asked whether the City would consider setting up a system to pay for the e-alerts or a system like it to improve outreach to the public. As to Item 9E, he suggested the City Council should approve the resolution opposing the initiative, which as it stated in its own text, would strip the electorate who had the ultimate power under the system of government to assess taxes and fees via the charter system, and if people wanted to complain about the loss of local control over local affairs this statewide initiative vote would deprive people of a charter city including the City of Pinole, if it wished to become a charter city in the future, the ability to assess any tax as part of a charter.

As to Item 9I, Page 203 of 704 of the agenda packet, Clause 2.6 of Section 2 of the Consulting Services Agreement, Mr. Menis identified a blank dollar amount in this section that had been highlighted and should be clarified. Also, with respect to Page 213 of 704, he identified a typographical error in the reference to City Attorney Eric Casher on the signature page which should be corrected. Page 246 of 704 detailed the services The Pun Group would provide and he asked for more details for the artificial intelligence (AI) model the consultant planned to use. Assuming they were using a large language model for AI, he stated those models were notorious for hallucinating or lying about references within their data set, facts or sources, and asked how the consultant set up Mind Bridge to avoid the risks commonly associated with AI given the paramount need for accuracy in the auditing process.

City Clerk Bell asked that Item 9A be pulled to allow staff the opportunity to review the video for the April 29, 2023 Special City Council meeting and have some suggested language for modification, and if possible Mr. Menis could also provide some suggested language for the changes he wanted to be made.

Cordell Hindler, Richmond, referenced item 9H and supported a Job Fair for the City of Pinole given the number of businesses that needed extra help coming out of the pandemic. For Item 9J, he noted both the cities of Richmond and San Pablo paid \$20/hour for their student interns and the City of Menlo Park's average salary for student internship was \$53,000 to \$60,000, which the City of Pinole should consider.

Matthew Estipona, Director of Government & Community Engagement, Associated Builders & Contractors (ABC) Northern California, who represented member contractors who were in the construction trades referenced Item 9K and expressed concern the PLA Ad Hoc Subcommittee included no representation from member contractors and no fair share side from the other perspective. Member contractors and apprentices who lived and worked in the community wanted to be able to build where they lived, produced great projects all through the East Bay, Contra Costa County and Northern California, and moving forward they would like to have a seat at the table to provide their input on the PLA.

Susan McDonald, stated she worked for a non-union contractor and opposed the PLA. She stated local contractors should be doing the work, they were non-unionized and had been doing work for decades. If a PLA was in place, she suggested it would be harmful to non-union contractors. She suggested few contractors had read or understood the provisions of a PLA, which showed up as an attachment to the main contract. The PLA was a tool unions used to force non-union contractors to hire almost all workers off the union bench, through their core workforce requirement. Under a PLA, non-union contractors could only use a few of their own core workforce, then had to hire off the union bench, which was a disadvantage to non-union contractors and their ability to perform work. She suggested no contractor should bid a job without their own core workers. Union workers also had a core workforce but under a PLA, union contractors may keep their core workforce and only go to the bench when needed, which was unequitable treatment. If the core workforce was taken out of the PLA, the unions would stop trying to force them on everyone. She suggested all of the things people were told a PLA could do had already been done absent a PLA. She commented that non-union contractors in the community trusted public agencies not to harm them with their contracts and she suggested that the City Council do no harm and not consider a PLA.

Eric Christen, Executive Director, Coalition for Fair Employment and Construction, a statewide organization formed 25 years ago by union and non-union contractors solely to oppose discriminatory and wasteful project labor agreements, commented in the era of hyper-inflation for construction projects and the macro economy with inflation, there were insufficient workers to meet all needs. A PLA exacerbated the problem by reducing the number of people who would bid on a project, with 88 percent in the state choosing to work in a labor/union-free environment pursuant to labor statistics. Those who chose to protect skilled and trained workers chose to do that in a union-free environment making it impossible to work under a PLA due to the need to pay union dues to join an organization they did not wish to join and pay union health, welfare and pension plans that were never vested, which was wage theft.

Mr. Christen added that PLAs almost exclusively required union apprentices, and young men and women in state approved non-apprenticeship programs were explicitly excluded under PLAs and non-union contractors were reduced to only being able to use a few of their own core workers and work with people in which they had no relationship. All of this made it harder for union-free contractors to get work and helped big labor interests get a monopoly on work.

In an era of hyper-inflation in the construction industry, Mr. Christen questioned why the City of Pinole would consider a PLA. He asked that all voices be heard and opinions be valued on this issue and brought to the table and noted that within the area there were state approved non-union apprenticeship programs that would be excluded in a PLA. He urged the City Council to reach out and visit those young men and women being trained.

Tanya Little, a former small business advocate for the State of California, appointed by former Governor Brown for business development in the state, emphasized the importance that small non-unionized businesses be able to compete. These businesses were the backbone of the economy and should be given the opportunity. She suggested the City consider small business goals and if the City had to hire a large business, ensure that business served the certified local businesses to ensure they had a local fair share and give back to the community.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Toms requested with respect to Item 9 that the meeting minutes for the Special City Council meeting of April 29, 2023 be pulled from the Consent Calendar, with the item to be continued to a future meeting.

Council members Sasai and Martinez-Rubin requested that Item 9J be pulled from the Consent Calendar for discussion.

ACTION: Motion by Mayor Pro Tem Toms/Council member Sasai to approve Consent Calendar Items 9A (with the exception of the April 29, 2023 Special City Council Meeting to be brought back at a future meeting), Items 9B through 9I and Items 9K and 9L, as shown.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	None

Speaking to Item 9J, Council member Sasai thanked the Human Resources Director and staff for the time to coordinate the High School Student Internships with the City Council Members, which would be an investment in the City and the students who may participate in the project. He had experience as an unpaid intern while a student and concurred with the comments that the interns be fairly compensated. While the staff report had shown there was no room to compensate volunteers due to limitations in the Pinole Municipal Code (PMC), he understood there was flexibility within the volunteer program and policy for stipends.

Council member Martinez-Rubin wanted assurance in any communication about the selection of the student interns that there be mention that City Council members who would be overseeing the work (whether part of the 20-hours or fewer to be considered in a week), have current certificates of completion for ethics training to comply with Assembly Bill (AB) 1234 and Sexual Harassment Prevention Training as part of AB 1661. She also asked whether the mandated reporter role would apply in this instance even if the program was not in a school setting to ensure a safe environment for participants.

Human Resources Director Stacy Shell explained that the mandated reporter would be part of the policy for the volunteer program and anyone supervising a minor would be required to complete a mandated reporter training. The requirements could be communicated to the guardians of the participants while the ethics and sexual harassment prevention training required would be monitored by the City Clerk's Office.

Council member Martinez-Rubin asked that the required training also apply to transportation of a youth/minor/student intern via a Council member's personal vehicle to ensure there was no liability for a Council member who may participate in the program, and the City was not liable for any misinterpreted contact.

Human Resources Director Shell clarified she would have to work with Risk Management and the third party administrator on that issue unless the City Attorney had a response, and City Attorney Eric Casher stated he would have to review that issue as well.

Council member Sasai offered a motion, seconded by Council member Tave to direct staff to return with options to provide compensation to the student interns to include a Revised Volunteer Program and Policy that would allow for stipends.

On the motion, Council member Tave sought more information on the scope for the student interns to be added to the motion. He asked that possible options include the possibility of 20-hour part time positions. He noted the City had a college student intern in the past who had worked on the Bikeways Program and found student interns to be valuable to the City. He suggested a full program should be explored.

Council member Tave asked that the motion be amended to include a defined scope and add to the options a part-time employee not to exceed 20-hours as one of the options for compensation.

On the discussion, City Manager Andrew Murray explained there was already a classification for a paid intern but a budget had not been assigned for that role or to any City Department. The City Council had the capacity to fund an intern position; however, the way staff had envisioned the High School Student Internships with the City Council Members program there were limitations on which employees the City Council members may supervise pursuant to the PMC. If interns received a stipend and were not being supervised by Council members that may work within the PMC, but if those students were paid employees, the PMC had limitations on the City Council supervising the intern.

Given the City already had a mechanism in place for paid interns, there could be a dialogue about what Departments they may be placed. The issue of volunteers for the City Council in particular was a separate policy and City Council approval was required for a stipend for those volunteers.

With that information, Council member Tave withdrew his amendment to the motion with the exception of requesting a defined scope.

ACTION: Motion by Council members Sasai/Tave to direct staff to return with options to provide compensation to interns to include a Revised Volunteer Program and Policy that would allow for stipends as well as a defined scope to return to the City Council.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	None

ACTION: Motion by Council member Tave/Mayor Murphy to Receive the Report for a Plan for High School Student Internships with City Council Members.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	None

10. PUBLIC HEARINGS

Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.

- A. First Reading of Ordinance Adopting a Military Equipment Policy and Approving Renewal of Chapter 2.60 "Military Equipment Policy" of the Pinole Municipal Code; and Review of 2022/2023 Annual Report in Compliance with AB 481 [Action: Waive first reading and conduct public hearing (Crone)]**

Police Chief Gang introduced Lieutenant Jeremy Crone, the Project Manager for the Military Equipment Policy, who provided a PowerPoint presentation on the Military Equipment Policy and Renewal of Chapter 2.60 "Military Equipment Policy" of the PMC and an overview of AB 481, Military Equipment, Funding, Acquisition and Use; Pinole Police Department Policy #707 and Policy #707 Equipment; Approval and Implementation Timeline and the details of the Annual Report in compliance with AB 481, which included a summary of how the military equipment was used, summary of any complaints or concerns, results of any audits or violations of military equipment, cost of equipment, maintenance and upgrades, inventory, projected acquisitions, purchase and maintenance, training and event and incident use. He reported there had been no community complaints, concerns or violations during the Annual Report period.

Lieutenant Crone also identified project military equipment acquisition for Fiscal Year 2023/24 which would include ammunition for AR-15 patrol rifles estimated at \$4,000, and highlighted the findings necessary for the City Council to make as part of AB 481 and as outlined in the May 16, 2023 staff report.

Council member Tave asked the number of training exercises and how they had been incorporated regionally, to which Lieutenant Crone detailed an active shooter training exercise at Pinole Valley High School that was considered to be regional training and had been hosted by the Federal Law Enforcement Training Center (FLETC). The training session included agencies from Contra Costa and Alameda Counties.

Council member Tave asked whether there were other military vehicles that could be used other than the Mine Resistant Ambush Protected Vehicle (MRAP), which could be used as an Emergency Response Vehicle (ERV).

Lieutenant Crone advised there were a variety of vehicles that could provide some level of protection for law enforcement personnel. The advantage of the MRAP as an ERV was its sheer size and height given the potential for flooding or natural disaster that would require a vehicle to traverse such an environment. Given the ground clearance that the MRAP ERV provided it was the better vehicle.

Council member Sasai asked whether there was any national data which supported the MRAP's likelihood of preventing an active shooting or a decrease in fatalities, and Lieutenant Crone stated he would have to research that data.

Council member Sasai asked whether the purpose of having the MRAP at special community events was for educational purposes with the public, to which Lieutenant Crone explained that National Night Out, as an example, hosted by the City of Pinole and the Pinole Police Department had included the presence of the equipment at the event which allowed the Police Department to showcase equipment the Police Department had to protect the community. The event included not only the MRAP ERV but a command center and other equipment and was used as an educational tool for the community. The presence of the equipment at the Annual Car Show was also intended to showcase the equipment and the level of protection and safety provided by the Police Department. The MRAP ERV would also pose a significant barrier to someone using a vehicle as a ram in a crowded environment.

Council member Sasai asked whether a City fleet would be an alternative to the MRAP ERV and was informed by Lieutenant Crone that any large vehicle would be a deterrent but it would not be as effective as the MRAP ERV or have the capacity and ability of the equipment to address a mass casualty event or bring in resources.

Council member Sasai asked what conversations were had with the community when the MRAP ERV had been included in community events.

Lieutenant Crone stated there had been wide-eyed curiosity to genuine interest and appreciation to the equipment the City had in its inventory. He had heard no negative comments about the MRAP ERV and if there was any negative connotation from the community about these pieces of equipment it would be known and heard by the Police Department since Pinole citizens were very engaged and had provided feedback on a continual basis.

Council member Sasai commented he had feedback from black and brown residents expressing concern about the equipment being included at community events, which residents were not always comfortable expressing their opinions on that issue.

Police Chief Gang explained that the MRAP ERV was not a proactive but a reactive tool for the Police Department and was intended as a response to an emergency. He acknowledged there may be a segment of the community that may be intimidated by this equipment. He reported in 2022, resident Rafael Menis had raised some concerns and he had conversations with Mr. Menis about the equipment. One of the goals of having the equipment at the community events was to allow the equipment to be opened up and the community to see how the equipment could be used. He emphasized his main concern was for an active shooter situation at a local school and there was no Police or Public Works vehicle capable of extracting multiple people at one time. The MRAP ERV demystified why the vehicle was needed.

Police Chief Gang added there had been regional requests for the use of the equipment which had been denied, since it had not met policy expectations and since the Pinole Police Department was very strict with how the equipment would be used. The purpose of the equipment was to save lives and he was always open to conversations about the use of the equipment with the public.

Council member Sasai commented the more he had these conversations with the Police Chief the more he respected his approach. He had also been struck by the fact the Police Chief prioritized the preservation of life in the community.

Council member Martinez-Rubin asked who else would officially receive the report presented and how often there would be active shooter training, to which Lieutenant Crone advised the report would be posted on the City website and was only required to be shared with the City Council and the public. He also clarified the active shooter training had been held on one occasion in the last year as part of a collaborative training environment since the training was expensive and required collaborative efforts.

Council member Martinez-Rubin reported she had attended a statewide meeting in late April specifically about partnership and collaboration regarding safety on campuses. During the meeting there had been discussions of different approaches and the meeting had included participation from elected officials, law enforcement agencies and parents with the audience members sharing a desire to work on much-needed collaboration and partnerships beyond local police departments who were trained as much as possible to prevent the loss of life. She appreciated the work of the Pinole Police Department to encourage partnerships and suggested they had to do the best possible with necessary and essential performance required by trained personnel.

Council member Tave also spoke to the regional training with the MRAP ERV but noted what had not been explained in the PowerPoint presentation was how often the equipment was not used, and he requested more detail in that regard.

PUBLIC HEARING OPENED

Cordell Hindler, Richmond, thanked the Police Chief for the presentation. He had questions that had been answered as part of the presentation and he asked the City Council to approve the staff recommendation.

Rafael Menis, Pinole, expressed concern with the use of the ground-based robot versus drones and asked whether there were any limitations in policy as to the lethal use of the robot since in some contexts tracked vehicles with manipulation had been used to take proactive lethal responses in certain situations by Police Departments. He also referenced Finding 2 of AB 481, as shown on Page 281 of 704 of the agenda packet, and noted a military use that had not been listed in this finding had been the use of drones. He recalled the City was considering using drones as part of its resource tool box more generally or the Police Department tool box more specifically, and asked if that would fall under the Military Equipment Policy or another City policy.

Anthony Vossbrink, Pinole, understood the MRAP ERV was very expensive and asked of the maintenance fees and insurance costs. He understood such equipment would be in higher demand in larger cities than the City of Pinole and suggested Pinole did not have the infrastructure to support the equipment on a full-time basis. He suggested it would be more prudent to rent, lease or sell the equipment to a neighboring community and use those funds for other public health and safety issues that involved the Pinole Police Department, such as more Police Officers on the street, police vehicles or active shooter systems on the City's on- and off-ramps, security cameras on major arterials or a full or part-time satellite police station on Fitzgerald Drive. He otherwise asked of the Police Department's plans to address sideshows.

PUBLIC HEARING CLOSED

Lieutenant Crone responded to the public comment and clarified the Police Department's Use of Force Policy did not authorize the use of ground-based robots or drones; \$6,000 had been spent in deferred maintenance costs for the MRAP with annual costs estimated at \$1,000 consistent with a heavy piece of equipment and the Military Use Policy did not address side shows but equipment used as specified in the Annual Report. He explained that sideshows were traffic related and there would not be direct application of military use equipment in a sideshow environment unless something escalated to unanticipated levels, and then it would be handled through traffic enforcement.

As to the acquisition costs for the MRAP and in response to the Mayor Pro Tem, Lieutenant Crone advised that information had been part of the Annual Report for 2022. The cost of the equipment had been zero through the Law Enforcement Support Program (LESO) Program, which allowed the transfer of excess Department of Defense property that might otherwise be destroyed to law enforcement agencies across the United States and its territories. The total acquisition costs were around \$9,000.

City Manager Murray further clarified that City staff was in the process of drafting two separate drone policies to be presented to the City Council for approval; one for drone use in the Police Department environment and one for non-police use primarily due to PCTV's desire to film footage and related public safety issues such as natural disasters.

Council member Sasai understood one of the uses for the MRAP was in the event of a natural disaster such as a flood, and he asked whether the Police Department had any conversations with the Contra Costa County Fire Protection District (CCCYPD) about the use of the vehicle regarding wildfires.

Lieutenant Crone reported he had not had conversations with the CCCYPD about the use of the equipment and he expected the CCCYPD had its own equipment to address such events.

Council member Sasai also referenced Page 281 of 704 of the agenda packet and the findings to be made under AB 481, specifically Finding 1. He commented that when he had been a student at U.C. Davis, he had met with the Mayor of the City of Davis at the time when that City had voted 3-2 to discontinue the use of the policy for their militarized equipment including the use of an MRAP, and instead had purchased a commuter van that was bullet proof and could transport anyone in an active shooter situation. As such, he disagreed that Finding 1 could be made and suggested there were reasonable alternatives. Also, in the case of flooding or wildfire, CCCYPD had a rescue vehicle which was fitting for rescue in fire, flood, earthquake or storms and the vehicle was available for purchase by jurisdictions.

Further, Council member Sasai stated the Police Chief had described the equipment as reactive. He found this was a reactive policy or asset to address flooding or an active shooting situation and in the event of an active shooter, he would not question whether the City had an MRAP vehicle but whether the City Council advocated for state or federal legislation to implement sensible gun control legislation, partner with the County on gun buy-back programs, collaborate with the District Attorney's Office to get ghost guns off the streets, or consider more mental health officials in schools. He suggested there were reasonable alternatives to the military equipment under discussion and while the military equipment policy may be more affordable it may not be the best policy.

Mayor Pro Tem Toms pointed out in the event of a storm with flooding there would be flooding in other communities and the CCCFPD may have only one piece of equipment when Pinole would have no say as to whether it would be able to use that equipment. Also, were the City to purchase one of those vehicles or a bullet proof commuter van, as an example, there would be associated costs, whereas there were no additional costs for the MRAP ERV. She recognized the equipment was large but she was confident the Police Department was educating the public on the need and use of the equipment. It had also been used for training, which justified the need for it to be in the region and available to the citizens of Pinole and to the region in the event of an emergency. Council member Sasai pointed out that mutual aid was not exclusive to the City of Pinole. He would like to know whether other cities had similar equipment that could be used by the City of Pinole as part of mutual aid. He reiterated his concerns and stated he could not support a Military Equipment Policy that was composed during a time and for the purpose of combating the war on drugs that had over-incarcerated black and brown persons.

Council member Martinez-Rubin commented the interest in gun control and other equipment that was so largely accessible to anyone and was needed to be addressed at the state and federal level was something she supported, but suggested it was a long way coming before any type of reform was possible. Until that day and when reform made sense, concurrently the City needed other approaches because it had no other. The Pinole Police Department was aware of the situation and people had been trained on the equipment and the types of occurrences that affected people's lives.

Mayor Pro Tem Toms offered a motion, seconded by Council member Martinez-Rubin to adopt the staff recommendation as stated in the May 16, 2023 staff report.

On the motion, Council member Tave liked the gun buy-back option and noted there were ways the community could help to combat and reduce the risk and having these conversations and discussions like Coffee with a Cop were important. He found there had been progress at the local level and noted he too had heard comments from some residents who were uncomfortable with the MRAP ERV, but the more the public could be educated the better. Until some of the gun-related tragedies decreased rather than increased, he supported the staff recommendation. He also liked the fact that AB 481 allowed an open conversation in the community each year.

Council member Sasai commented he was from the generation that had to grow up with active shooting drills and he empathized his comments about looking for all possible alternatives that did not increase tension between the community and the Police but one that built trust. He looked forward to having an annual conversation.

ACTION: Motion by Mayor Pro Tem Toms/Martinez-Rubin to approve the 2022/23 Pinole Police Department Annual Military Equipment Report and waived the first reading and introduced by title only an ordinance approving and re-adopting a Military Equipment Use Policy as stated in Chapter 2.60 "Military Equipment Policy" of the Pinole City Municipal Code in compliance with AB 481.

Vote:	Passed	4-1
	Ayes:	Murphy, Toms, Martinez-Rubin, Tave
	Noes:	Sasai
	Abstain:	None
	Absent:	None

- B. Resolution Adopting Updated User and Regulatory Fees and The Master Fee Schedule **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**

Finance Director Markisha Guillory presented the staff report, and recommended the City Council hold the public hearing and adopt a resolution updating the City's user and regulatory fees and the Updated Master Fee Schedule to be effective August 1, 2023.

PUBLIC HEARING OPENED

Cordell Hindler, Richmond, suggested the City Council adopt the resolution as presented by staff.

PUBLIC HEARING CLOSED

ACTION: Motion by Council member Tave/Mayor Pro Tem Toms to adopt a resolution adopting Updated User and Regulatory Fees and The Master Fee Schedule to be effective August 1, 2023.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	None

11. OLD BUSINESS: None

12. NEW BUSINESS

- A. Ten-Year General Fund Status Quo Financial Forecast (Fiscal Year (FY) 2023/24 Through FY 2032/33) **[Receive Report (Guillory)]**

Finance Director Guillory provided a PowerPoint presentation on the Ten-Year General Fund Status Quo Financial Forecast (Fiscal Year (FY)) 2023/24 through FY 2032/33). She explained that the propose of the Long-Term Financial Forecast (LTFF) had been to provide estimates of future revenues and expenditures based on assumptions about future activities and the operating environment, provide a longer-term view of the City's fiscal condition and identify future financial opportunities and challenges. The LTFF was not a budget but served as a valuable planning and decision-making tool for budget development.

Finance Director Guillory highlighted the five-year financial plan forecasts as part of the Long-Term Financial Plan (LTFP) and explained that the City had focused on a status quo forecast for the General Fund that estimated the City's future revenues and expenditures if the City maintained the status quo service and staffing levels. The City Council had requested staff prepare a Ten-Year Financial Forecast which would be included in the next LTFP to be presented to the City Council in September 2023.

Finance Director Guillory provided an overview of the General Fund Ten-Year Financial Forecast, General Fund Ten-Year Financial Forecast Summary, Key Revenue Assumptions, Key Expenditure Assumptions, General Fund Ten-Year Financial Forecast – Revenues and Expenditures and General Fund Ten-Year Financial Forecast – Fund Balances.

Finance Director Guillory reiterated the financial forecast would be incorporated into the next version of the LTFP and staff was working with a consultant on long-term strategic financial planning. The Ten-Year General Fund Status Quo Financial Forecast would serve as the basis for a more prescriptive LTFP and foundation for building upon and staff would look at revenue-generating opportunities to be brought to the City Council, efficiencies on the expenditure side to reduce expenditures, and financing mechanisms for some of the long-term more expensive capital projects such as bond issuance, all of which would come back to the City Council as part of the LTFP.

Mayor Murphy thanked Finance Department staff for the preparation of the Ten-Year General Fund Status Quo Financial Forecast.

Council member Sasai asked for clarification on the sales taxes and whether online sales had been captured. He also asked whether expanding the tax base would be considered by staff.

Finance Director Guillory clarified that online sales taxes went to the County as part of a pool and was then allocated on a proportional basis. She added that all areas would be explored including potential tax measures.

Council member Martinez-Rubin clarified with the Finance Director the consultant work was ongoing and that staff had timed things to allow possible revenue-generating measures to be placed on the ballot in 2026.

Mayor Pro Tem Toms shared concerns with the numbers shown and pointed out the City was looking at continuing to have a deficit. She commented on what the City had received in property taxes versus what was being paid out in the CCCFPD contract. Given the City would continue to have a deficit, the City Council needed to keep in mind the different election years, where they could ask voters whether there was interest in supporting a bond issuance to pay for capital or a tax measure to pay for operating revenue, with the financial forecast a good tool to have. She thanked staff for the information.

City Manager Murray added as part of the LTFP the intent was to have a 20-year forecast. There would be some retirement of debt in the pension obligation bonds in 20 years and he acknowledged the longer term the forecast the less precise but there were some known changes that would take place. The City was working with an actuary who would provide more information on the life expectancy of the Pension Trust and how the required pension contributions may change, which would all be explained as part of the longer planning horizon information.

Council member Tave clarified with the Finance Director the property taxes as shown had not shown new construction and he asked why it had been excluded.

Mayor Pro Tem Toms noted there were two projects that involved property tax exemptions.

Finance Director Guillory explained that the Ten-Year General Fund Status Quo Financial Forecast served as the foundation, the "status quo" and current conditions and new construction would be considered when building upon the forecast in the LTFP.

Council member Tave also referenced the Utility User's Tax (UUT) and clarified with the Finance Director the figures in the PowerPoint presentation. Ms. Guillory noted that substantial growth had been seen in the last five years in the electricity and gas segments with the telecommunications segment continuing to decrease.

Mayor Murphy clarified with the Finance Director the following: While the financial forecast was "status quo" the UUT may include wastewater, cable and refuse services and the current LTFP had mentioned those as possible expansions for the UUT; the Transient Occupancy Tax (TOT) was usually expanded by increasing the percentage with a 10 percent tax currently levied; and the CCCFPD Agreement had a 20-year lifespan with the assumption that the CCCFPD would provide an additional five years at \$2 million, capped in the current agreement at four percent. Ms. Guillory also defined the capital outlay as the capital improvement projects with the Baseline Budget capital outlay normal operating smaller items and not capital projects for the purposes of the operating budget, which had been increased for inflation.

Council member Sasai again clarified with the Finance Director with respect to the financial forecast for sales taxes that the consultant typically provided a five-year projection which was carried out with three percent through the ten years, to be revisited as part of the LTFP. The financial forecast had been based on current conditions.

PUBLIC HEARING OPENED

Rafael Menis, Pinole, praised City staff for the presentation and the longer term projection which showed what would be seen in the future when hitting the end of the Pension Trust fund, as an example, which was the big shift in FY 2031 and ongoing with the budget curve showing a gradually increasing deficit when progressing to FYs 2029, 2030, 2031, 2032 and 2033. He asked if the City Council wanted to use the funds from the General Reserve to offset losses and whether that was possible but which would require modification to the Reserve Policy. He also understood the financial forecast was a worst-case scenario and had not taken into account future revenue gains, although the projections had assumed a steady three percent in revenues year after year, and had not taken into account the possibility of a recession impacting Vehicle License Fees (VLFs) taxes, UUT, property taxes and sales taxes. If that occurred, he commented it may lead to a worse outcome than projected. He asked how that would impact future recovery. He added he had advocated since 2018 for the City to consider revenue increasing measures and he urged the City Council to consider wastewater and water user utility taxes.

Cordell Hindler, Richmond, was surprised with the salaries and wages and asked for clarification since he found the information in the PowerPoint to be confusing.

Tony Gutierrez, Pinole, understood the forecast model was status quo and while a starting point asked when the City first started modeling for a five-year plan. He asked whether the City had the actuals for the first five-year forecast, which would provide an indication of how good the Ten-Year Financial Forecast was as presented.

PUBLIC HEARING CLOSED

Finance Director Guillory clarified in response to the public comments that the City Council may use the General Reserve but would have to update the Reserve Policy by resolution to change the 50 percent requirement.

Finance Director Guillory acknowledged the Ten-Year Financial Forecast had not taken into account a recession scenario. In terms of the inquiry about salaries and wages, she clarified for Fiscal Year 2022/23 the current fiscal year included the full-time equivalent for fire staff and since the Pinole Fire Department transitioned to the CCCFPD in March 2023, the forecast moving forward would not include the 16 full-time equivalents which explained the decrease. When the salaries and wages went back up again, it would be due to the three percent growth factor in the cost-of-living adjustment (COLA).

Finance Director Guillory was uncertain when the City had done its first five-year forecast since it preceded her time with the City but clarified the City did have actuals prior to the Ten-Year Financial Forecast, although it was not an “apples to apples” comparison. Those figures could be shown in the model.

Council member Tave asked whether the consultant HdL Companies had provided any information on a possible recession number, with the City having projected three percent and if so how the City would address it.

Finance Director Guillory explained that a recession scenario with projections on property and sales taxes could be requested but the status quo would still need to be shown along with the various scenarios.

Council member Tave wanted more information on a timeline for maximum and minimum scenarios if the City had to pivot.

**B. Preliminary Proposed Fiscal Year (FY) 2023/24 Operating and Capital Budget
[Receive Report and Provide Direction (Guillory)]**

Finance Director Guillory provided a PowerPoint presentation on the Preliminary Proposed Fiscal Year (FY) 2023/24 Operating and Capital Budget. She provided an overview of the key dates for the budget, the Capital Improvement Plan (CIP) and LTFP, Structurally Balanced Budget Policy, FY 2023/24 Preliminary Proposed Budget Highlights, FY 2023/24 Preliminary Proposed Budget – General Fund, FY 2023/24 General Fund Preliminary Proposed Budget – Revenues and Expenditures, Summary Fund Balances, FY 2023/24 Preliminary Proposed Budget – All Funds and the Balancing Act – and preliminary results of the Community Budget Priorities Survey.

Finance Director Guillory advised the next steps would be to evaluate City Council changes to the budget, if any, incorporate them into the Revised Proposed Budget, and include any staff-generated content and present the Revised Proposed Budget to the City Council on June 6, 2023.

Council member Martinez-Rubin walked through the Summary of Fund Balances with the Finance Director who clarified there may be some “wiggle” room in the category of one-time initiatives and capital improvement projects, and who could relabel some of the header information in the Summary of Fund Balances to make the information clearer.

Finance Director Guillory also clarified that agenda Item 12A Ten-Year Financial Forecast only included the General Fund and had not taken into account any other funds. She noted many of the funds shown in the summary funded capital projects over many years and the Finance Department was working with the other City Departments to ensure the fund balance was available to draw down.

Council member Sasai also clarified the negative percentage changes in the categories shown in the FY 2023/24 General Fund Preliminary Proposed Budget – Expenditures which were mostly driven by the changes related to the CCCFPD Agreement and the three percent COLA. For each category, the assumptions had been explained and would be within the context of the budget document in terms of the growth rates.

Mayor Murphy further clarified pursuant to Page 459 of 704 of the agenda packet that the City paid \$7,685 to the League of California Cities for membership and \$400 for the East Bay Division, and City Clerk Bell confirmed costs may have increased slightly. The expenditure had been moved into the City Council Budget and had been in the General Government section of the budget in the past. Also, \$15,000 for Council office furniture was clarified as a one-time expense.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Page 379 of 704 of the agenda packet and the discussion about the budget shortfall. He asked for more detail of the staff-identified ongoing General Fund expenditure reductions in order to eliminate the gap, possibly with a table identifying the possible reduction amounts in each Department. For Page 396 of 704, he praised the table as shown, which was useful to show revenues and expenditures and the use of fund balance all in one table.

Mr. Menis referenced Page 426 of 704, and the chart for Revenue by Type but noted the text for transfers-in was illegible and suggested the color of the legend should be modified to be more readable. Page 425 of 704 referred to the anticipated cost increase curve for the Police Department and commented that he had an offline text conversation with the Finance Director about this issue who had informed him there was a nine percent over year baseline increase due to three percent baseline, three percent equity and three percent link to various education funds. He asked if those increases in baseline were expected to continue at that rate in future years. He was also surprised to see the City Clerk's Office would have a greater share of expenditures than the City Manager's Office.

Cordell Hindler, Richmond, referenced Page 448 of 704 of the agenda packet and the staff positions listed for each City Department. He asked whether positions would be added. He otherwise suggested the budget looked good.

PUBLIC COMMENTS CLOSED

Council member Martinez-Rubin clarified with the Finance Director the total revenues and expenditures in the Pension Fund, which was interest income for the assets remaining in the Pension Trust and was the only revenue in that fund and the City had not contributed any additional funds other than the original funds placed in the Trust. The expenditures had been based on the increased cost for the pension costs representing the transfer to the General Fund.

Council member Martinez-Rubin also clarified with the Finance Director the input received on the Balancing Act Survey related to community services and recreation programming.

Council member Martinez-Rubin asked whether the consultant the City would be working with on the LTFP would provide options to increase revenues and consider funding for the Community Services Department.

City Manager Murray explained in addition to the work on the LTFP, the Park Master Plan consultant (separate from the consultant work on the LTFP) would consider recreational programming and would provide recommendations on what the footprint “services and recreational programs” the City should operate and what funding model should be considered.

Finance Director Guillory again reminded the City Council of the next steps with the Revised Proposed Budget to be presented to the City Council at its June 6, 2023 meeting.

C. Preliminary Proposed Fiscal Year (FY) 2023/24 Through 2027/28 Five-Year Capital Improvement Plan (CIP) **[Action: Receive Report and Provide Direction (Kaur)]**

Capital Improvement and Environmental Program Manager Misha Kaur provided a PowerPoint presentation on the Preliminary Proposed Fiscal Year (FY) 2023/24 through 2027/28 Five-Year Capital Improvement Plan (CIP) intended to identify and address the City’s capital needs, with capital projects and investments that build, replace or improve a City asset. The Preliminary Proposed CIP contained 32 capital projects and nine infrastructure assessments in the project categories of facilities, parks, sewers, stormwater, streets & roads and infrastructure assessments, as shown in the May 16, 2023 staff report.

Ms. Kaur identified four projects that had been removed from the CIP that were due to be completed by this fiscal year ending June 30, 2023 and additional projects that had been added to the CIP, which resulted in the projects as identified in the Preliminary Proposed CIP and as shown in the staff report. She also highlighted the project prioritization methodology and scoring used to set the schedule for the projects.

Ms. Kaur reiterated the Five-Year CIP contained 32 capital projects and nine infrastructure assessments. High priority projects and projects underway had been scheduled for FY 2023/24 and seven lower priority projects that had not been initiated had been scheduled for FY 2024/25, as described in the staff report. She also provided an overview of the budget summary for each of the projects identified, grants expected to be received and sources of other funds such as Measure S funds.

Ms. Kaur also identified the tentative schedule for the CIP with a Revised Proposed CIP to be presented to the City Council on June 6, 2023 and thereafter a Final Proposed CIP on June 20, 2023.

Council member Tave referenced the projects expected to be completed in FY 2022/23, such as the Electric Vehicle (EV) charging stations and asked how much money the City had spent on the project. He also asked the status of the playground rubberized surface improvements, Local Road Safety Plan (LRSP), Sanitary Sewer Master Plan and the Safety Improvements for Tennent Avenue and Plum Street, and Energy Upgrades.

Ms. Kaur explained that the EV charging station project consisted of one Level Two Dual Port EV Charging Station to be located in the Public Safety Building. Although the project had been delayed, she had been informed it would be installed within the next week with the construction award for the contract in the range of \$75,000 to \$76,000 due to needed changes in striping configurations and other upgrades.

Public Works Director Sanjay Mishra further clarified in response to concerns with the cost for the Level Two Dual Port EV Charging Station Project that the project involved changes to the sidewalk, curb ramp, the charger itself, installation of the electrical work and concrete work which was the most expensive part of the project.

Ms. Kaur added the City expected to receive grant reimbursement for the equipment through both Marin Clean Energy (MCE) and the West Contra Costa Transportation Advisory Committee (WCCTAC). As to the playground rubberized surface improvements, the project also involved a grant and the City would be seeking reimbursement. The LRSP and Sanitary Sewer Master Plan had been completed.

In further response to Council member Tave, Ms. Kaur stated the high priority projects and projects underway had been scheduled for FY 2023/24 and seven lower priority projects that had not been initiated had been scheduled for FY 2024/25, with some projects involving multi-fiscal years. As to the safety improvements for Tennent Avenue and Pear Street, the City Council had awarded funds for the project. The project was out for bid with the bids due to close on May 31, 2023. Once the bids had closed and the construction contract had been reviewed and approved by the City Council the funds would be appropriated for the contract.

Public Works Director Mishra clarified with respect to the Energy Upgrades project that a City Facilities Master Plan was being prepared and would identify all facility needs. The Energy Audit for City facilities was also in process with a Request for Proposal (RFP) having been issued for the project. Some HVAC work had been completed but other work was ongoing.

Council member Tave further asked whether the CIP projects had been slated in the Ten-Year Financial Forecast as expenditures and Finance Director Guillory clarified the CIP had not been included in the Ten-Year Financial Forecast, which was the baseline forecast, but it had shown the unassigned fund balance informing decisions on how to fund some CIP projects.

Council member Tave was curious how the CIP would impact the current fiscal year and how the City had planned for the following years. He found the timeline for each CIP project to be important but there was no information on the impacts to the specific funds.

Finance Director Guillory explained as part of the LTFP they would be expanding the forecast to 20 years, which would take into account the CIP and beyond including the General Fund.

City Manager Murray added in further response to Council member Tave that for the multi-year CIP projects, the funding was encumbered when the projects were approved by the City Council, with most of the projects to be paid through grant funds and anticipated Measure S funds or a little of other General Fund contributions. Larger projects such as deferred work on the City's roads or a complete rebuild of a City facility had not been included in the CIP and lacked funding. He explained that the City had the funds for the CIP projects listed from various fund balances. Some of the projects would not start until the next fiscal year and there were projects that were ranked a lower priority through the priority matrix.

City Manager Murray clarified the CIP projects were using one-time sources that would not help the City solve any imbalance in the budget. If the projects were not funded with the fund balance that would get the City through a limited period of economic distress that would not solve the ongoing issues since there were not ongoing resources.

To solve some of the budget issues ongoing reductions were needed. In the event of a serious recession, reducing City services may be needed but the real plan was to maintain core City services through the use of the General Reserve and those resources had already been set aside.

Council member Tave understood the projects would get done but questioned the cost.

Mayor Pro Tem Toms referenced the sources by fund as shown in the table on Page 630 of 704 of the agenda packet and clarified with Finance Director Guillory that the General Fund and measures had been included in the operating budget with all other funding sources that covered capital facilities not in the operating budget nor shown in the table.

Council member Sasai asked for clarification on the prioritization methodology and scoring process for the CIP projects, and Ms. Kaur described how staff had gone through a summary of the projects with staff from other City Departments with a ranking of the projects. She clarified that nothing came out of the ordinary from those discussions. This was the first time staff had used the priority matrix and it had been tested in projects already underway, so when the scoring appeared for each project sheet it had not appeared for those projects already underway.

City Manager Murray further described the prioritization methodology and scoring process and stated staff could go through the process again to identify priorities for those projects underway if the City Council so directed.

Council member Sasai clarified with Ms. Kaur that projects underway already had assigned costs. He asked whether or not priority scores could be provided for unfunded projects and Ms. Kaur confirmed that could be done, but those projects that were funded had more of a defined scope as compared to those that were not as well defined.

ACTION: Motion by Council members Sasai/Tave to extend the City Council meeting to 11:15 p.m.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	None

Council member Sasai also asked of the operational and maintenance costs for the Pinole Smart Signals Project and was informed by the Public Works Director the project would be done in conjunction with the Contra Costa Transportation Authority (CCTA). The City was about to sign a Memorandum of Understanding (MOU) and would provide a matching fund. The total cost of the project was roughly \$25 million with the City of Pinole's portion about \$1.5 million. Once the project was complete, the maintenance and equipment would be the responsibility of the City to be maintained as the City maintained all of its traffic signals with a contract with the County.

Ms. Kaur stated CCTA staff had indicated there would be an operation and maintenance agreement and as they were going through the design those costs would be further defined. For the I-80 Mobility Project and as part of the agreement, the City had been reimbursed for operation and maintenance costs but it was unclear what those costs were and who would be responsible which would be defined as part of the agreement to come forth.

Council member Martinez-Rubin suggested as part of the prioritization criteria that potential matching grants be considered and Ms. Kaur explained the way that category had been scored between 1 and 5, if a project was funded 50 percent with grants it would have a score of 3 or 4.

Council member Martinez-Rubin suggested it would be smart for the City to set aside funding for projects where staff had a notion there could be some matching available. As an example, there had been a CIP project for trash bins and there could have been matching funds from a source yet to be determined. There was no funding available for the project now and she was uncertain how to increase the scoring and whether it would be useful to have funds allotted for the overall budget.

Council member Martinez-Rubin referenced maintenance for the City's walking trails and commented there was narrative about broad maintenance of the entire trail system, but she had identified a spot that involved a public safety concern and asked how that was funded and allowed staff some way to quantify and fit in the possibility of risk into the criteria.

Public Works Director Mishra understood Council member Martinez-Rubin had concern with a trip hazard on a small portion of the Pinole Creek Trail. He reported the Traffic and Pedestrian Safety Committee (TAPS) recommended this portion of the trail be done and subsequently he had presented a request and cost estimate to the City Council, which had approved the request.

City Manager Murray added the health and safety criteria of the prioritization methodology had addressed that issue as well. If a risk, it would be scored under health and safety but some of the work would be too small to fall under the CIP and would involve the operational fund. In the same way City staff repaired potholes, they also repaired the pedestrian bridge over Pinole Creek and could repair a small piece of the trail to be addressed through a service request to the Public Works Department. In terms of setting aside funds for matching, that was defined as a grant. Some grants provided 50 percent while others provided 100 percent of funding. The available resources to provide the local match was in the fund balance.

Council member Martinez-Rubin asked of the status of maintenance work for repainting the lines which divided the lanes on City streets and pedestrian crosswalks, and City Manager Murray advised that was a line item in the Public Works Department core maintenance budget.

Public Works Director Mishra acknowledged information on the costs and regular activities of the Public Works Department was to be provided to the City Council in the form of a memorandum and that would be provided. City staff would do most of the painting work but did not have the capability for some of the required pavement markings and would hire contractors for that work.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, referenced Page 618 of 704 of the agenda packet and the funding opportunities as part of the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA), and asked of the status where staff was to provide a report on how the City was preparing to apply for funds from the IIJA and government broadband funding since there was no information in the staff report. He also referenced Page 613 of 704 and the information for San Pablo Avenue Complete Streets, and although there had been a lot of points listed, it had not included the closure of sidewalk gaps particularly on the north side of San Pablo Avenue. He asked if that would be part of or separate from the San Pablo Avenue Complete Streets Project.

Cordell Hindler, Richmond, supported the item and had no additional comments.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Toms referenced Page 612 of 704 of the agenda packet and the list of City Council requested information on CIP-related matters, specifically the fencing for the dog park. She had walked the dog park with a resident who commented frequently and whose comments and her observation was that the fencing was fine but a dog not in control of its owner could jump the fence given that one section of the lower part of the fenced had debris piled up so that the ground on the dog park side would be a foot higher in elevation than the other side of the fence. Mayor Murphy referenced Page 618 of 704 of the agenda packet and the comment where City staff was to provide a report on how the City was preparing to apply for funds from the IIJA and government broadband funding. He asked when the report would be provided.

Public Works Director Mishra confirmed staff was to provide information to the City Council on the IRA and on the IIJA but due to lack of time the item had been moved to the next City Council meeting on June 6, 2023.

ACTION: Motion by Council member Sasai/Mayor Murphy to direct staff to include priority scores for underway and unfunded projects in the Revised Proposed CIP.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	None

Ms. Kaur reiterated that certain projects not as defined and without updated costs would have to be reconsidered by the panel in terms of priority to inform the City Council.

13. CITIZENS TO BE HEARD (Continued from Item 6) (Public Comments)

Only open to members of the public who did not speak under the first Citizens to be Heard, Agenda Item 6.

Citizens may speak under any item not listed on the Agenda. *The time limit is 3 minutes and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.*

Cordell Hindler, Richmond, requested as a future agenda item that the City Council invite a representative from the Port of Oakland to make a presentation on plans for the port post pandemic. He also suggested the meetings would be more efficient if the number of proclamations were separated between Council meetings and he asked the City Council to consider that recommendation.

14. ADJOURNMENT to the Regular City Council Meeting of June 6, 2023, in Remembrance of Amber Swartz.

At 11:14 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of June 6, 2023 in Remembrance of Amber Swartz.

Submitted by:



Heather Bell, CMC
City Clerk

Approved by City Council: June 6, 2023

